

Portland Public Schools  
196 Allen Avenue  
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December 11, 2006

Ms. Marilyn Dortch, Secretary  
Federal Communications Commission  
445 12th Street, S.W.  
Washington, DC 20554  
Re: Implementation of Section 621(a)(1) of the Cable  
Communications Policy Act of 1984 as amended by the Cable  
Television Consumer Protection and Competition Act of 1992, MB  
Docket No. 05-311

Dear Ms. Dortch,

I am writing to express my opposition to the proposed rule that would affect cable television franchising. I am concerned that it could severely impact community media.

The proposed rule eliminates incentive for providers to negotiate in good faith. If the city and the provider do not come to agreement within 90 days, the provider can proceed without an agreement. Companies can then make billions of dollars using our public land without considering local needs.

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The proposed rule lacks a remedy for geographic discrimination. Public, Education and Government Access, or PEG, are tools to engage our local communities in democracy. Democratic

participation should be for all, not based on a company business rule. The public-right-of-way is owned by all in our community, not just those in an area lucky enough to be served. We believe that inevitable market imbalances must be anticipated by the FCC, as they were by Congress, and that any rule-making must provide these three elements:

- A) A standard for identifying imbalances in service.
- B) A party responsible for identifying the imbalance—logically, the municipality.
- C) A means for prevention or remedy of the imbalance.

The proposed rule reduces the financial support for PEG or other community media services from what is allowed by current federal law. It is an arbitrary reduction which will hurt our community. It contradicts language authored by telephone companies and already passed in states such as California and Texas. The reduction would eliminate a valued community resource with no demonstrated effect on either subscriber price or level of competition.

The changes being proposed to the law are dramatic. They will slow competition by confusing the legal framework. Such changes should be decided by lawmakers. The FCC should not usurp Congressional authority.

Please let me know if you have questions or comments.

Sincerely,

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